

**To:** Garcia, Bert[Garcia.Bert@epa.gov]; Hestmark, Martin[Hestmark.Martin@epa.gov]; Card, Joan[Card.Joan@epa.gov]; McGrath, Shaun[McGrath.Shaun@epa.gov]  
**Cc:** Miller, Clay[Miller.Clay@epa.gov]; Clark, Richard[Clark.Richard@epa.gov]; Berkley, Jim[Berkley.Jim@epa.gov]; Pierce, Maggie[Pierce.Maggie@epa.gov]; Strobel, Philip[Strobel.Philip@epa.gov]  
**From:** Hamilton, Karen  
**Sent:** Thur 5/14/2015 2:45:10 PM  
**Subject:** FW: Rosemont Mine news

## EPA criticizes state's latest approval of Rosemont Mine

MAY 06, 2015 4:30 PM • BY [TONY DAVIS](#)

The EPA took another shot at the Rosemont Mine — this time arguing that state regulators aren't doing enough to protect neighboring streams from pollution.

In a letter last month, the U.S. Environmental Protection Agency said a recent state certification that the mine will meet Arizona water quality standards is unlikely to provide enough protection for Cienega Creek and its tributaries.

The Arizona Department of Environmental Quality's certification of the mine "relies on limited, voluntary (i.e., non-enforceable), post-discharge monitoring that may detect water quality degradation after it occurs," EPA's letter said. The ADEQ approval also calls for corrective actions at a later time, said EPA, dismissing such actions as insubstantial.

In a statement released Wednesday, ADEQ said it disagrees with EPA's letter, adding, "we are confident that the requirements we've put in place are protective of water quality in the area."

EPA sent its April 14 letter to the U.S. Army Corps of Engineers, which must approve a crucial permit for the mine, one more sweeping and aimed at insuring the mine meets federal Clean Water Act standards. In a not-so-subtle message, EPA says it believes the water quality issues it's raising are "directly relevant" to the Corps' upcoming permit decision.

The numerous conditions that ADEQ imposed on the mine in its certification last February "are highly unlikely to avoid potential water quality degradation, detect anticipated or unanticipated degradation or mitigate for those impacts," wrote **Jared Blumenfeld**, administrator of EPA's San Francisco regional office that governs Arizona.

“The project’s projected groundwater drawdown and flow and sediment reductions in Davidson Canyon have yet to be adequately addressed.”

EPA has a veto power over the Corps permit and wrote a letter 18 months ago to the Corps urging it not to approve the permit. EPA’s latest missive is at least the ninth publicly available letter or set of written comments critical of the project or of another agency’s analysis of it that the federal agency has written since January 2012.

EPA’s latest letter was released by the Rosemont opposition group Save the Scenic Santa Ritas. It heralded the letter as part of “a growing chorus of concern about ADEQ’s failure to adequately protect southern Arizona’s water quality from Rosemont Copper’s mine pollution.” Pima County has filed an administrative appeal of ADEQ’s decision. ADEQ has denied the appeal on the grounds that the county lacked legal standing to file it.

In its own statement, Rosemont Copper’s parent Canadian company defended ADEQ’s approval.

“The Arizona Department of Environmental Quality spent years participating as a cooperating agency in the EIS (Environmental Impact Statement) process and analyzing the project for possible impacts on water quality before issuing the certification,” said **Patrick Merrin**, vice president of the Arizona unit of Hudbay Minerals Inc., Rosemont Copper’s parent company.

“We believe when ADEQ’s science-based decision-making is evaluated, the Corps will find that the project will not cause or contribute to a violation of state water quality standards and accord the state deference in its decision as required by the Clean Water Act,” he added.

The underlying issue in this debate concerns the potential for degraded water quality in the state-protected Davidson Canyon and Cienega Creek if the mine reduces the creeks’ water flows by its lowering of the water table to create an open pit lying up to 3,000 feet deep.

The concern — sharply disputed by the mining company and the state — is that reduced flows will dilute oxygen levels and otherwise damage the water’s usefulness for fish and other wildlife.

ADEQ’s statement said, “A number of issues EPA raised in its letter to the Corps are outside the scope of what we are legally authorized to consider in ... certification under Arizona state law.”